

Chapter 28

STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY*

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***State law reference**—Streets and sidewalks, S.C. Code 1976, § 5-27-10 et seq.



ARTICLE I. IN GENERAL**Sec. 28-1. Certain ordinances relating to streets not affected by Code or ordinance adopting Code.**

Nothing in this Code or the ordinance adopting this Code shall affect the validity of any ordinance dedicating, naming, establishing, locating, relocating, opening, or ordering the improvement of any street or public way in the city, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (Code 1980, § 19-1)

Sec. 28-2. Obstructions prohibited.

Except as otherwise specifically provided, it shall be unlawful for any person to place or cause to be placed any obstruction or impediment in or upon any of the streets, alleys or other public property of the city, so as to hinder or prevent full, free and uninterrupted passage thereon.

(Code 1964, § 20-6; Code 1980, § 19-2)

Sec. 28-3. Removal of encroachments or obstructions.

All unauthorized encroachments upon any street, lane, alley or public right-of-way in the city, and all obstructions in the way of pedestrians or vehicles, shall be removed by the chief of police, public works director or other designated officer whenever ordered by the city administrator, and if the same is attended with any expense, the same shall be defrayed by the person so encroaching or obstructing. Any person hindering or preventing any officer in the execution of any duty under this section shall be guilty of a misdemeanor.

(Code 1964, § 20-20; Code 1980, § 19-3)

Sec. 28-4. Display of goods, wares or merchandise on streets or sidewalks.

No person shall, for the purpose of exposing the same for sale or exhibit, place or cause to be placed any goods, commodities or other articles whatsoever, or any table, bench, box or other appendage, in any street, lane, alley or public thoroughfare, or on any sidewalk, so as to obstruct the same, or at a distance of more than two feet from the doors or walls of the building in which such goods, commodities or other articles are kept for sale or exhibit.

(Code 1964, § 20-7; Code 1980, § 19-4)

Sec. 28-5. Fruit and produce sales on public streets, parking lots, and other public property.

It shall be unlawful for any person to sell fruit or produce on the public streets, sidewalks, parking lots or other public property in the city except at farmers' markets designated by the city and in accordance with the rules, regulations, and guidelines promulgated by the city council.

Sec. 28-6. Rummage sales on public property.

(a) It shall be unlawful for any person to conduct a rummage sale on the public streets, public parking lots or upon other public property in the city, except in the following manner:

- (1) A permit must be obtained from the city administrator at least one day before the proposed sale. Application for such permit must be prepared and signed, setting forth the kinds of goods proposed to be sold, the name of the owner thereof and the purpose of the sale.
- (2) The permit shall not give permission to offer new goods of any description for sale or to receive any articles for resale.
- (3) The permit shall not give permission to offer goods of any description for sale, except those goods that have been commonly used by the person conducting the sale in his own household and are being discarded through means of such sale. It is not the intention of this section to allow or permit the sale of new or used goods or merchandise that have been brought from other rummage sales, flea markets, garage sales or items purchased from individuals or other places.
- (4) The permit shall not be transferable.
- (5) The permit shall be valid for only the date shown.

(b) No permit shall be issued permitting a rummage sale on any public streets, public parking lots or upon any other public property of the city, except upon the space known as the "old freight depot lot" bordering on Robinson and Limestone Streets and Cherokee Avenue, and only in those spaces upon such lot that are designated by number, the number of which corresponds to the permit number.

(c) Permits will be issued under this section on a first-come, first-serve basis in the finance department during business hours. After all permits have been issued for the spaces designated, no further permits will be issued for that date.

(d) A fee in such amount as determined by city council shall be assessed and collected for each permit issued under this section and each permit shall be limited to only one person. (Code 1964, § 14-24.1; Code 1980, § 19-6)

Sec. 28-7. Preaching or speaking on streets.

No preaching, lecturing or public speaking of any nature will be permitted on the streets of the city, unless a written permit for the same is obtained from the city council. (Code 1964, § 20-15; Code 1980, § 19-7)

Sec. 28-8. Closing of streets and sidewalks for improvements.

(a) The public works director, chief of police or other constituted authority of the city may block or cause to be blocked any street, alley or sidewalk, and erect such signs, warnings or obstructions as safety demands, whenever any such street, alley or sidewalk is being changed, altered, improved or paved or other construction exists thereon.

(b) Wherever any street or sidewalk improvements are under construction, and barricades are erected for their protection and to warn traffic away, or "street closed" signs are displayed, it shall be unlawful for any person to disregard such barricades or signs and enter or walk upon any such street or sidewalk, or drive or cause to be driven thereon any vehicle.

(Code 1964, § 20-5; Code 1980, § 19-8)

Sec. 28-9. Minimum depth of pipe laid in streets or sidewalks.

It shall be unlawful for any person to lay any drain, water, sewer or gas pipe in any of the streets, sidewalks or alleys of the city so that the top of the pipe shall be at a less depth than two feet from the surface unless approved by the city. Where any grade for such street, sidewalk or alley has not been established, the public works director shall indicate the proper depth for such pipe.

(Code 1964, § 20-4; Code 1980, § 19-9)

Sec. 28-10. Maintenance and inspection of utility poles in or along streets.

All utility poles of any nature erected in or along the streets of the city shall be kept in good repair and in a safe condition. It shall be the duty of the owner of the pole to thoroughly and carefully inspect all such poles, and if any poles are found defective or dangerous from any cause, he shall at once notify, in writing, the person to whom they belong, which person shall, without delay, repair or replace the same so as to make them safe. Any person failing to repair or replace such poles promptly, after receiving notice, shall be guilty of a misdemeanor.

(Code 1964, § 20-17; Code 1980, § 19-10)

Sec. 28-11. Awnings in or over streets and sidewalks.

(a) It shall be unlawful for any person to erect or put up wooden frames or wooden posts for awnings in or over any of the streets, lanes or alleys of the city without an encroachment permit. No awning shall be put up in such a manner as to obstruct or annoy pedestrians on any sidewalk.

(b) It shall be unlawful for any person to place any awning upon any building within the core commercial zoning district of the city, without a permit therefor being first obtained in writing from the city.

(Code 1964, § 20-12; Code 1980, § 19-12)

Sec. 28-12. Barbed wire setback requirements along streets and sidewalks.

It shall be unlawful for any person to construct or maintain, on any premises along any street, sidewalk or alley of the city, any barbed wire or barbed wire fence within five feet thereof.

(Code 1964, § 20-11; Code 1980, § 19-13)

Sec. 28-13. Damaging, defacing, etc., public property.

(a) It shall be unlawful for any person to willfully, unlawfully or maliciously cut, mutilate, deface, damage, destroy or disfigure, or mark on or in any public building or public property, whether real or personal property, including fixtures.

(b) Any person mutilating or in any way defacing, or painting any sign on any of the sidewalks of the city shall be guilty of a misdemeanor.

(Code 1964, §§ 14-3, 14-3.2, 20-8, 20-9; Code 1980, § 19-14)

Sec. 28-14. Interfering with streetlights.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb from any streetlights within the city.

(Code 1964, § 20-19; Code 1980, § 19-15)

Sec. 28-15. Weight limit for sidewalks; permit to convey heavy weights over sidewalks.

It shall be unlawful for any person to use the sidewalks of the city for the purpose of conveying weights of more than 200 pounds to the square foot. It shall also be unlawful for any person to convey safes or other heavy weights over the sidewalks of the city, without a permit from the city.

(Code 1964, § 20-10; Code 1980, § 19-16)

Sec. 28-16. Only properly managed stormwater to be placed in street drain or ditch.

It shall be unlawful for any person to place or cause to be placed, any liquids, solids, or other items other than properly managed storm water, into any ditch, pipe or other area leading to any street drain or ditch within the city limits.

(Code 1964, § 11-10; Code 1980, § 19-17)

Sec. 28-17. Deposit of injurious matter on streets and removal thereof.

(a) No person shall throw or deposit, upon any street, any glass bottles, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street.

(b) Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious matter shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

(Code 1964, § 23-8; Code 1980, § 19-18)

Sec. 28-18. Skating on streets.

It shall be unlawful for any person to skate on any roller skates or similar device on any of the streets of the city.

(Code 1964, § 20-13; Code 1980, § 19-19)

Sec. 28-19. Skating on sidewalks.

It shall be unlawful for any person more than ten years of age to engage in roller skating, skateboarding, or activity using similar devices, on any of the sidewalks within the city; provided that no person, regardless of age, shall skate on any of the sidewalks embraced in the core commercial zoning district.

(Code 1964, § 20-14; Code 1980, § 19-20)

Sec. 28-20. Bicycles on sidewalks.

It shall be unlawful for any person to ride a bicycle on any sidewalk within the core commercial zoning district.

(Code 1980, § 19-21; Ord. No. 1991-11, 11-18-1991)

Secs. 28-21—28-45. Reserved.**ARTICLE II. ENCROACHMENTS, EXCAVATIONS AND OTHER WORK BY PUBLIC UTILITIES, CONTRACTORS, AND OTHERS****Sec. 28-46. Permit required.**

It shall be unlawful for any person to encroach upon or make any excavation upon, or to otherwise cut or dig into, or perform any other work upon, any street, sidewalk, alley, right-of-way or other public property of the city for any purpose, without having obtained a written permit to do so from the city.

(Code 1964, §§ 20-1, 20-21; Code 1980, § 19-31; Ord. No. 1978-4, § 1, 7-18-1978)

Sec. 28-47. Application for permit.

Any person desiring a permit required by this article shall make application therefor on forms furnished by the city. Such application shall set forth specifications and details of any work sought to be done pursuant to such permit.

(Code 1980, § 19-32; Ord. No. 1978-4, § 2, 7-18-1978)

Sec. 28-48. Bond.

The applicant for a permit required by this article may be required to post a good and sufficient bond, in the amount of the estimated cost of repairing or resurfacing any street, sidewalk or other public property, such bond to be approved by the city administrator.

(Code 1964, § 20-21; Code 1980, § 19-33)

Sec. 28-49. One-half of street to be kept open for traffic.

No person holding a permit under this article shall dig or cut more than halfway across any street, until the half which has been cut or dug has been repaired, so that at least one-half of the passageway of the street shall always remain open and free for the uninterrupted passage of traffic unless otherwise approved by the city.

(Code 1964, § 20-2; Code 1980, § 19-34)

Sec. 28-50. Signs and traffic control.

It shall be the duty of every person performing any work or making any encroachment upon public property pursuant to a permit issued under this article to maintain, at all times, proper signs and traffic controls, according to the standards of the South Carolina Department of Transportation.

(Code 1980, § 19-35; Ord. No. 1978-4, § 5, 7-18-1978)

Sec. 28-51. Barricades or lights for excavations.

It shall be unlawful for any person making or causing to be made any ditch or other excavation in the streets, sidewalks or public ways of the city, or near enough thereto to constitute a danger to persons using the same, to fail to properly safeguard and protect such excavation so as to prevent injury to persons and property. Such excavation shall be guarded and protected by the placing of substantial and adequate barricades or railings around and along the sides of same and by maintaining adequate lights to clearly disclose and make apparent the existence of the excavation and the dangers therefrom in the nighttime. There shall be at least one light placed at each end of the excavation and one light at every 25-foot interval between.

(Code 1964, § 20-3; Code 1980, § 19-36)

Sec. 28-52. Restoration of damaged or disturbed property.

(a) It shall be the duty of every person to whom a permit is issued under this article to restore any public property damaged as nearly as possible to its original condition. If a sidewalk, curb or street pavement is disturbed or encroached upon, it shall be the duty of such person to restore the disturbed portion of the pavement in the manner approved by the city, as applicable.

(b) If it is determined by the public works director or by the city engineer that repairs were not made in the manner prescribed by this section or in a manner suitable to the public works director or the city engineer, the public works director or the city engineer may cause the repairs to be made in a proper manner and the cost shall be charged to the person to whom the permit was issued under this article.

(Code 1980, § 19-37; Ord. No. 1978-4, §§ 3, 4, 7-18-1978)

Chapter 29

RESERVED

